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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,876	10/10/2006	Wolfgang Theimer	P3188US00	5436
11764	7590	06/24/2011		
Ditthavong Mori & Steiner, P.C. 918 Prince Street Alexandria, VA 22314			EXAMINER COBURN, CORBETT B	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 06/24/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,876	<b>Applicant(s)</b> THEIMER ET AL.	
	<b>Examiner</b> CORBETT B. COBURN	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 17, 18, 26-31 and 35-48 is/are pending in the application.
- 4a) Of the above claim(s) 45-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17, 18, 26-31 and 35-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 45-48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: They are directed to systems that determine participant information relating to gaming devices. Furthermore, instead of a directory of all games, it lists only games that the devices have in common. This is substantially different from the previous claims since they do not require these features. The inventions are related as subcombinations usable together since they do not overlap in scope and each is usable on its own.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 17-19 & 26, 28-30, 35-39, 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by the Windows 95 Operating System (Henceforth Windows 95). (See History of Windows, available on the Microsoft Website: <http://windows.microsoft.com/en-US/windows/history>)

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**Claims 1, 17, 19, 35, :** Windows 95 had a command for generating a game directory (i.e., listing of games) on an electronic gaming device. Clicking on a folder icon opened the folder and caused it to show its content. If the folder was a directory, clicking on the folder would show the files in that directory. Clearly, the folder could be a game directory. This command queried an accessible memory (i.e., disk) for determining the electronic games available for execution (i.e., those files that are executable) on said electronic gaming device, and generating a game directory having entries for each electronic game which is determined – it listed the executable programs found on the disk. As noted in the History of Windows (Assignee's own documentation) Windows 95 was published in 1995. Windows 95 supported networking. Thus with Windows 95, the user could get directories of games on multiple gaming devices.

**Claims 2, 36:** The directory command listed the name of the directory (or file folder) that contained the programs. This is querying the accessible memory for context data (i.e., directory name) related to said electronic games, and including said context data into said game directory.

**Claims 3, 4, 37, 38:** A user could put the programs into any directory desired. MS-DOS was inherently capable of segregating multi-player games into their own directory where the directory name indicated a multiplayer ability of the game.

**Claim 18:** Windows 95, like any other program, can be downloaded from a server.

**Claims 26, 39:** The directory command listed the entries from the game directory on a display of the electronic gaming device. The player could then type in a command to execute one of the games. This is receiving selection data related to the displayed entries

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and displaying the selection data on the display (since the text entered by the user was displayed on the monitor).

**Claims 28, 41:** Windows 95 is a game directory generation and game selection application. In order to use it, it must be received & installed.

**Claim 29, 30, 42, 43:** A user who types in a command to execute a game sends a request to retrieve (from disk) and transfer (to internal memory) said game directory entries. Clearly, the device receives the requests.

**Claims 31, 44:** Windows 95 has network support. A user can click on an icon associated with a file or program on another gaming machine. This sends a request to start a game to the proper connected game device according to one or more selected entries from the gaming directory. In other words, if the player clicks on an icon associated with a game on another computer, the proper request is sent to the proper computer and the player can play the game.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27 & 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-DOS as applied to claim 1 or 39 above, and further in view of Martin (US Patent Number 6,337,681).

**Claim 27:** Windows 95 teaches the invention substantially as claimed, but fails to teach that the display is a whiteboard. Martin teaches that it was known to use MS-DOS

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computers to control whiteboards. (Col 1, 45 & Col 11, 15) Whiteboards provide user interaction with applications programs. (Col 1, 18-19) It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Martin's whiteboard with the Windows 95 operating system in order to allow user interaction with applications programs.

### ***Response to Arguments***

6. Applicant's arguments with respect to the claims listed above have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CORBETT B. COBURN whose telephone number is (571)272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CORBETT B COBURN/  
Primary Examiner  
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